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SUBJECT: PROCURATOR GENERAL DISCUSSES NGO RAIDS WITH  
AMBASSADOR

Ref: A) ALMATY 216

1. (SBU) SUMMARY: During a January 24 introductory call on Procurator General Rashid Tusupbekov in Astana, the Ambassador discussed several recent law enforcement raids against USAID implementing partner democratization NGOs (Ref A). The Ambassador cautioned that these GOK actions may have serious consequences for the bilateral relationship. He further noted that such raids, viewed in the context of the recent judicial deregistration of opposition party Democratic Choice of Kazakhstan (DCK) and tax cases against Soros Fund Kazakhstan (SFK), sent the wrong signal about Kazakhstan's commitment to democratization. Tusupbekov agreed that the Procuracy would address future concerns about these NGOs to the Embassy before taking law enforcement actions. END SUMMARY

SOROS FUND KAZAKHSTAN

2. (SBU) At his introductory meeting with the Procurator General, the Ambassador expressed his concern about the criminal charges against Soros Fund Kazakhstan (SFK), highlighting that SFK had voluntarily paid over \$600,000 in back taxes and penalties in a civil case, with the understanding that this payment would resolve all outstanding issues. The Ambassador stressed that many would see the subsequent criminal tax case against SFK, based on the same claim, as an attempt to drive SFK out of Kazakhstan.

3. (SBU) The Ambassador understood that SFK and the Procuracy were close to a "positive" resolution of the current case, wherein SFK would issue a statement that the organization did not intend to violate the law and would not do so in the future, and the case would be dismissed. Tusupbekov responded that Deputy Procurator General Zhukenov, who oversees law enforcement agencies, would meet with SFK on January 25. If the charges are determined to have been "brought in haste without due consideration," where an acceptable non-judicial resolution to the dispute could have been reached, then the charges will be dropped. Tusupbekov praised SFK's charitable projects and democracy initiatives, and expressed the hope that SFK would continue this work.

RAIDS ON DEMOCRACY NGOS

4. (SBU) The Ambassador reiterated that support for the development of democratic institutions remained a core USG interest. A recent spate of law enforcement raids against NGOs who are USAID implementing partners for democracy programs has undermined USG confidence that the GOK welcomes these NGOs and their work. He showed Tusupbekov a USAID chart, illustrating 15 law enforcement raids by three GOK agencies (tax police, immigration police, and customs) against eight NGO partners (Eurasia Foundation, NDI, IRI, Freedom House, IFES, Counterpart Consortium, International Center for Non-for-profit Law, and SFK) in the last week. The Ambassador noted that out of 64 USAID partner NGOs that work in Kazakhstan, only these eight democratization NGOs were targeted for investigation. (Comment: The tax police, immigration police and customs officers are not subordinate to the Procuracy; however, the Procuracy is responsible for determining which charges will be investigated, and procurators exercise a greater influence on law enforcement investigations than U.S. prosecutors. End Comment.)

5. (SBU) After carefully scrutinizing the chart, Tusupbekov appeared to concede a pattern in the raids, but insisted that the law enforcement investigations were ordered by members of Parliament, who claimed that these NGOs were "interfering in the internal affairs" of the country by providing financing to political parties, among other alleged violations. The Ambassador responded that the USG requires its NGO partners to comply with all aspects of the bilateral agreement under which USAID and its programs operate. U.S. NGOs understood, he said, that providing financing for Kazakhstani political parties is illegal under

both U.S. and local law.

CONTEXT AND POSSIBLE CONSEQUENCES

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16. (SBU) The Ambassador gave a brief explanation of certification. He noted the negative impact that the raids on NGOs could have on the question of certifying to Congress whether Kazakhstan has made significant progress on respect for human rights. The Ambassador highlighted for Tusupbekov the need for immediate positive steps to counter evidence that the GOK did not welcome pro-democracy NGOs. The Procuracy, he said, should address future concerns about these NGOs' activities directly to the Embassy, and not through intimidating law enforcement raids of the NGO premises.

17. (SBU) Tusupbekov agreed that cooperation between Post and the Procuracy was a better way to resolve GOK concerns. The Procurator requested that USAID work with his office to set up a briefing for NGOs to explain the laws of Kazakhstan to prevent future "misunderstandings." The Ambassador agreed that this was a reasonable request, and designated USAID RLA as liaison.

18. (U) Dushanbe minimize considered.

ASQUINO

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